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January 4, 2024

VIA ECF

Honorable Vera M. Scanlon
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Lucy York v. City of New York et al.*, 22-CV-06432 (OEM)(VMS)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and attorney for defendants City of New York and NYPD Officer Jorge Garcia. I write on behalf of all parties, including Plaintiff Lucy York, to respectfully request a 30 day extension of the deadlines set forth in the parties' status report and proposed discovery plan that is currently pending before the Court. *ECF No. 21*. This is the first request for an extension.

The reason for this request is that Defendants are currently seeking additional time from Plaintiff to respond to Plaintiff's October 31, 2023 First Requests for Admission, from January 5, 2023 until January 26, 2024, and Plaintiff's November 29, 2023 First Set of Interrogatories and Document Requests, from January 5, 2023 until January 26, 2024, however, Plaintiff indicated that she cannot agree to additional time for those responses unless the whole discovery schedule is adjusted by thirty-days. Notwithstanding, Defendants agreed to provide plaintiff an extension of time, until January 26, 2024, for Plaintiff to respond to Defendants' First Set of Interrogatories and Request for Production of Documents, which were originally served on February 22, 2023 and to date, have not been responded to.

Accordingly, it is respectfully requested by the parties that the current scheduling order that is currently pending before the Court, ECF no. 21, be adjusted by thirty-days, as set forth below:

- Both parties shall cooperate and use best efforts to identify the remaining John Doe Officer on or before 2/01/2024;¹ if Plaintiff believes some document requires expedited production to accomplish this, she may file a motion seeking it after meeting and conferring with Defendants on or before 2/01/2024;
- January 26, 2024
 - o Deadline for Defendants to respond to Plaintiff's First Requests for Admission;
 - o Deadline for Defendants to respond to Plaintiff's First Set of Interrogatories and Document Requests; and
 - o Deadline for Plaintiff to respond to Defendants First Set of Interrogatories and Request for Production of Documents;
- February 5, 2024:
 - o Deadline for Plaintiff to file an amended complaint;
- June 6, 2024:
 - o Deadline to complete all fact discovery;
- If Plaintiff is to perform expert discovery, they will serve expert disclosures, pursuant to Fed. R. Civ. Pr. 26(a)(2)(A) by 7/8/2024;
- Plaintiff's Initial expert report will be served by 8/6/2024;
- Defendants Rebuttal expert report will be served by 9/9/2024; and
- All discovery, including expert depositions, will be completed by 11/6/2024, and the parties will file a joint letter on that same date certifying the close of all discovery.

Thank you for your consideration of the instant application.

Respectfully submitted,

Thomas Lai s/

Thomas Lai

Senior Counsel

Special Federal Litigation Division

¹ Per Plaintiff's counsel, following the parties November 2, 2023 settlement conference, Plaintiff sent a detailed email — reviewing the video disclosed after the complaint was drafted — clarifying and spelling out exactly which John Doe did what. With the benefit of video, it appears people Plaintiff had remembered as being one person were actually multiple people. To date, based on Plaintiff's email, only one John Doe officer remains to be identified.